



Court Connections

News from the New Mexico Judiciary

January/February 2019

Chief Justice Nakamura briefs Legislature on the State of the Judiciary

Supreme Court Chief Justice Judith Nakamura addressed a joint session of the Legislature on Jan. 17, outlining plans for improving and streamlining court operations to better serve New Mexicans.



Supreme Court Chief Justice Judith K. Nakamura speaking to a joint session of the Legislature.

In her State of the Judiciary speech, the Chief Justice also appealed to lawmakers to support a constitutional amendment to extend the time for the partisan election of newly appointed judges, improve judicial salaries to help attract well-qualified attorneys as applicants for judgeships and fund key budget requests from the courts.

Plans for improving court operations are part of an initiative called “Advancing Judicial Excellence” that originated last spring at a meeting of chief judges, court executive officers and representatives of magistrate and municipal courts.

“This initiative, which will provide the framework for the judiciary’s strategic planning and budgets for the next three years is rooted in two simple questions,” the Chief Justice told lawmakers. “Are we doing our best work? And how can we do better?”

She identified three areas where the Judiciary can make immediate improvements:

- ◆ “We can simplify and streamline our organizational structure and improve case management;
- ◆ “We can expand our use of technology to improve efficiency, increase services, and reduce delay; and
- ◆ “We can improve the public’s access to – and information about – the courts.”

To help courts identify issues that need to be addressed, the Judiciary has contracted with the National Center for State Courts for a workload study of the district, metropolitan and magistrate courts.

“We hope to learn how we might streamline processes, improve efficiencies, reduce delay and identify where additional judges and staff are needed,” the Chief Justice said.

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Advancing Excellence cont. . .

A grant from the State Justice Institute will pay for the first-ever evaluation of appellate court processes.

The Judiciary has proposed two measures to the Legislature to simplify the judiciary's organizational structure by giving cities with populations over 1,500 an option of having their municipal court cases handled in magistrate courts and allowing counties to transfer jurisdiction over probate matters to the local magistrate or district court. If the legislation (Senate Bill 173 and Senate Joint Resolution 8) is enacted, such transfers would happen only if requested by the local government and approved by the Supreme Court.

"Why wouldn't a community want the option to create a more efficient, less confusing court system? Let's begin to build a better system with these good government proposals which are good for our citizens," the Chief Justice told lawmakers in her prepared remarks.

Already underway by the Judiciary is a consolidation of administrative functions of magistrate and district courts within each of the state's 13 judicial districts. This began last fall with a pilot program in the Twelfth Judicial District and has been expanded to the Sixth Judicial District. All districts will have completed the transition by the end of the current fiscal year.

"All district and magistrate court clerks will be comparably paid and cross-trained, allowing us to move staff where we have shortages, thereby keeping courts open," the Chief Justice said.

"Let's begin to build a better system with these good government proposals which are good for our citizens."

**— Chief Justice Judith K. Nakamura
in her address to the Legislature**

The Chief Justice highlighted several funding requests to the Legislature:

- ◆ \$1.8 million in one-time funding for redaction of more than 80 million pages of case records in the Judiciary's electronic database. Redaction of confidential information, such as dates of birth and Social Security numbers, is necessary for the Judiciary to implement a system allowing online access by the public to records in court case files.
- ◆ \$550,000 to expand a program to all magistrate courts for assessing whether defendants can be safely released pending trial. Personnel at the Bernalillo County Metropolitan Court perform the screening and assessments, including determining whether a defendant has prior convictions and a history of violence. After a video interview, eligible defendants may be released from jail. Only defendants charged with misdemeanors and some non-violent felonies are eligible for the program.
- ◆ \$450,000 in one-time funding to expand Online Dispute Resolution (ODR) to courts statewide. ODR is being piloted in three judicial districts for debt and money due cases. The automated negotiation process, the Chief Justice told lawmakers, "resolves cases quickly, and frees up judges to focus on more complex civil cases, and on their criminal dockets."
- ◆ \$650,000 to improve training for judges and court personnel. The Judicial Education Center, which is based at the University of New Mexico, is funded by fees on traffic citations and that revenue has declined 31% in the past eight years. The \$650,000 would restore judicial education funding to its 2012 level, and allow for expanded online course offerings as well as regular training locally, regionally and statewide for judges and staff.

Three new justices join the New Mexico Supreme Court

Chief Justice Judith K. Nakamura administered the oath of office to Justices C. Shannon Bacon and David K. Thomson during a ceremony in the Supreme Court courtroom on Feb. 4.

Justice Michael E. Vigil was sworn into office on Dec. 31. He won election to the Supreme Court in the November general election, and previously served on the Court of Appeals since 2003. He was chief judge of the Court of Appeals from 2015 to 2017.



Justice Michael E. Vigil took the oath of office as his wife, Terry, held the Bible.

"I have just completed my first month serving the people of the State of New Mexico as a Justice on the New Mexico Supreme Court, and doing so has been a greater privilege and honor than I could ever have imagined," Justice Vigil said recently. "I wake up every day with enthusiasm to continue working with my colleagues to advance the cause of justice for all New Mexicans, and hope to continue doing so for many years to come."

Gov. Michelle Lujan Grisham appointed Justices Bacon and Thomson in late January to vacancies created by the retirement of Justices Charles Daniels and Petra Jimenez Maes.

A bipartisan Judicial Nominating Commission had recommended seven nominees to the governor for possible appointment to the state's highest court.

Before joining the Supreme Court, Justice Bacon served as a judge on the Second Judicial District Court since 2010 and was presiding judge for the civil division. She received her law degree from Creighton University in 1997.

"My appointment to the New Mexico Supreme Court is an incredible honor and responsibility," Justice Bacon said. "I look forward to serving the State of New Mexico and all of its residents."



Justice C. Shannon Bacon takes the oath of office, accompanied by nephews RJ and Tristan Bacon.



Justice David K. Thomson with wife, Patty Thomson and daughter, Ava, at his swearing-in ceremony.

Justice Thomson had been a judge on the First Judicial District Court since 2014, and previously served on the district court from March 2010 to November 2010. He received his law degree from the University of Denver College of Law in 1998.

"I am humbled and honored by the selection committee's recommendation and the governor's appointment," Justice Thomson said. "I will miss my colleagues in the First Judicial District but I look forward to working with the Chief Justice and other Justices on issues facing the Judiciary. I appreciate all the hard work of the employees and judges in our state's judicial system and I promise to always advocate for them."

Four new judges give Court of Appeals its first-ever female majority

Four new judges have joined the New Mexico Court of Appeals, providing the first-ever female majority on the Court since it was established in 1966.

"It is rather remarkable when you consider that forty years ago this Court welcomed its first female judges, and today eight of the ten judges are female. The historical significance of that is not lost on any of us; however, we welcome all our new colleagues and look forward to working with each of them," said Chief Judge M. Monica Zamora.



Judge Kristina Bogardus with her husband, Robert Scott, as she takes the oath of office.

Judges Kristina Bogardus, Megan Duffy, Jacqueline Medina and Briana Zamora took the oath of office on Dec. 31, during a ceremony at the Court of Appeals building in Albuquerque. Each was elected in the November general election.

At least six other states have female majorities on their statewide

intermediate appellate courts: Alaska, Connecticut, Idaho, Minnesota, Pennsylvania and Utah. Some states have intermediate appellate courts in which members are selected by districts and several of those district-based courts, including in California and Texas, have a majority female membership.



Judge Megan Duffy, with her mother, Beverly Duffy, along with retired Justice Richard Bosson (left) and attorney Karl Roepke after the judge was sworn into office.

In New Mexico, Mary Walters, a former Bernalillo County district court judge, and Leila Andrews, a Santa Fe attorney, became the first women to serve on the Court of Appeals when they took office on Jan. 1, 1979, after winning election to newly created positions on the Court.

The Court of Appeals had four members when it was created, but the Legislature has approved several expansions and the Court reached 10 members in 1991.



Judge Jacqueline Medina takes the oath office, accompanied by her husband, Erik Storms, and daughter Isabella.



Judge Briana Zamora takes the oath as her husband, Kyle Nayback, and daughters, Addison and Amara Nayback, watch.

House approves \$176 million budget for Judiciary

A budget bill approved by the House of Representatives allocates \$7 billion to finance state government in the upcoming 2020 fiscal year, including \$176 million for operations of the Judiciary.

The Judiciary's appropriation represents an increase of nearly 3.7% or \$6.2 million over the FY19 operating budgets of the Supreme Court, Court of Appeals, district courts, the Bernalillo County Metropolitan Court, magistrate courts and the Administrative Office of the Courts.

Lawmakers provided funding in the budget legislation (House Bill 2) for salary increases for state employees, including judicial staff and judges, as well as teachers and school administrators.

According to the most recent report of the Judicial Compensation Commission, improving judicial salaries will "help address the need to attract a more diverse mix of experience among attorneys seeking to be judges."

Chief Justice Judith Nakamura also stressed the importance of better pay for judges in her State of the Judiciary address to the Legislature.

The House-passed budget bill provides for a 6% increase in salaries for judges and a 4% across-the-board raise for state employees, including those in the Judiciary, with an additional 1% increase for workers earning less than \$25,000 a year.

The House approved the bill on Feb. 21, sending it to the Senate. The two legislative chambers must reach an agreement on spending totals for government operations before the bill will go to Gov. Michelle Lujan Grisham for her consideration.

In addition to the \$176 million for day-to-day court operations, HB2 allocates:

- ◆ \$450,000 in one-time funding to expand a new online dispute resolution program to courts statewide.
- ◆ \$1.8 million in one-time funding for redaction of court records to help provide the public with online access to court documents.
- ◆ \$400,000 for the Judicial Education Center at the University of New Mexico to expand training for judges and court personnel.

New Mexico continues to rank at or near the bottom nationally in pay for judges, according to a newly released 2019 survey of judicial salaries by the National Center for State Courts.

District court judges in New Mexico rank 49th in pay among general jurisdiction trial courts in the 50 states and the District of Columbia. Court of Appeals judges are the lowest paid in the nation among the 40 states with an intermediate appellate court. New Mexico ranks 47th in salaries for the associate justices of courts of last resort nationwide.

In her address to the Legislature, the Chief Justice said it has become increasingly difficult to attract qualified applicants for judgeships. Six attorneys, on average, applied for each judicial vacancy in 2017. That dropped to an average of slightly more than two applicants for each vacancy in 2018.

"Lawyers with experience in the private sector, including law firms, say that judicial salaries keep them from applying to be judges," the Chief Justice told lawmakers. "This is hardly surprising, given that the average partner in a New Mexico law firm is paid 51% more than a New Mexico Supreme Court justice."

The salary of a district court judge would go from \$126,186 a year to \$133,757 if a 6% increase is enacted. The higher salary would remain below the national average salary of \$155,113 for a general jurisdiction court judge, and it would leave a New Mexico district court judge making about 6% less than the average New Mexico lawyer and about 38% less than the average solo practitioner.

"Lawyers with experience in the private sector say judicial salaries keep them from applying to be judges."

— Chief Justice Judith K. Nakamura

Magistrate Division director retires



Retiring Magistrate Division Director Rosemary McCourt with staff attorney (and acting Magistrate Division Director) Jason Clack.

Rosemary McCourt, AOC Magistrate Division Director for the past 5 years, has called it a career.

At the annual meeting of magistrate judges, she was presented with a certificate of appreciation from the division staff for her service.

In addition to her work with the Administrative Office of the Courts, Ms. McCourt's career included a stint as Deputy Chief Counsel for the Department of Public Safety.

Her retirement plans include traveling with her husband and undertaking non-profit work in New Mexico.

Judiciary proposes constitutional amendment on elections

New Mexico voters would have more time to assess the performance of newly appointed judges under a change in the state constitution the Judiciary has recommended to the Legislature.

The proposed constitutional amendment would require judges to serve at least one full year before participating in a partisan election. Sen. Joseph Cervantes of Las Cruces is sponsoring the measure (Senate Joint Resolution 15).

Currently, judges must run in the next partisan election after their appointment. That requirement for immediate election leaves voters with limited information about a newly appointed judge's work before the judge appears on the ballot.

The short time frame also can create hardships that discourage otherwise qualified candidates from seeking a judicial appointment. A judge appointed in a general election year such as 2018 would be required to immediately seek election.

Chief Justice Judith K. Nakamura stated in her State of the Judiciary address that "very few attorneys are willing to give up their practice for what could be a short tenure on the bench."

"If a vacancy occurs in an election year, the attorney must close his or her practice, learn a new job, do the job, and must begin campaigning immediately to win a partisan election in a matter of months," the Chief Justice told legislators. "For some of you that may sound like fun but for attorneys, leaving one job to potentially lose another is not appealing."

SHARE YOUR NEWS WITH COURT CONNECTIONS

This newsletter was created to share the news and accomplishments of the entire New Mexico Judiciary. We need your help to make that vision a reality. You know all the great things happening in your courts. Send those stories and photos to Sidney Hill at albdxh@nmcourts.gov.

Magistrate judges receive training, conduct business at annual meetings

Magistrate court judges from across New Mexico gathered in Albuquerque this past November and December for their required annual training. They also took time to elect new board members and officers for the Magistrate Judges Association.

At the November session, 21 newly elected magistrate court judges completed two weeks of training. Topics included criminal and civil case processing, judicial ethics and personnel issues. The new judges also presided over mock trials. A wide range of judicial experts provided the training—including veteran magistrate court judges, court staff attorneys, judges from district courts and the Court of Appeals, as well as court executive officers and staff from the Administrative Office of the Courts.



“Traffic Jeopardy” was part of new Magistrate Judges’ Orientation.

In December, the new judges were joined by the 46 sitting magistrates for an additional three days of training on topics including evidence, DWI, domestic violence and courtroom management.

The session also included a formal oath ceremony and a one-hour “shirtsleeve session” with all of the Supreme Court justices.

New Mexico magistrate and pro-tem judges are required to complete 12 hours of continuing judicial education during each calendar year.

Magistrate court managers attended the last half of the training for a panel on court reorganization and best practices for case management.

The New Mexico Magistrate Judges Association also met to elect a new board and officers during the December training session. Los Alamos County Magistrate Pat Casados was elected to a second consecutive term as association president.

Colfax County Magistrate Warren Walton was elected Vice-President, Lincoln County Magistrate Katie Lund was elected Secretary/Treasurer, and Retired Torrance County Magistrate Steve Jones was elected Pro-Tem Board Member. The association was established in 1970 as a nonprofit organization to advocate for the magistrate courts.

NEWLY ELECTED MEMBERS OF THE NEW MEXICO MAGISTRATE JUDGES ASSOCIATION BOARD

KC Rogers, Chaves County	Karen Mitchell, Harding County	Cynthia Sanders, McKinley County
Joel Cano, Dona Ana County	Maurine Laney, Grant County	Michael Suggs, Otero County
Chris Baca, Guadalupe County	David Finger, Lea County	Tim Hodo, Union County
John Chavez, Valencia County	Buddy Hall, DeBaca County	Tina Garcia, Valencia County
George Anaya, Jr. , Santa Fe County	D’Ann Read, Eddy County	April Silversmith, McKinley County

Sandra Engel named Chief Judge of Bernalillo County Metropolitan Court

The judges of the Bernalillo County Metropolitan Court have elected a new Chief Judge, the Honorable Sandra Engel.

Judge Engel succeeds Judge Edward L. Benavidez, who served as Chief Judge of the court since 2017. Judge Engel's term began on Jan. 1.

"I am looking forward to serving the citizens of Bernalillo County in this comprehensive capacity and ensuring that this already well-run court continues to operate in an efficient and effective manner," said Chief Judge Engel.

The Chief Judge oversees administrative matters of the court including the budget, policies, security, building maintenance and personnel matters, and continues to hear a regular docket of cases.

Since being appointed and then elected to the Metropolitan Court Criminal Division bench in 2006, Judge Engel has established and overseen a number of the court's Specialty Court programs, including the Community Veterans Court. She also previously served as presiding judge of the court's Criminal Division.

Judge Engel selected the Honorable Yvette K. Gonzales to preside over the Criminal Division of the court, and the Honorable Frank A. Sedillo will continue to serve as the presiding judge of the court's Civil Division.



The Honorable Sandra Engel, Chief Judge of Bernalillo County Metropolitan Court.

Metropolitan Court judges renew oaths of office

The judges of the Bernalillo County Metropolitan Court renewed their oaths of office at a swearing-in ceremony in early January. The swearing-in signified the judges' renewed terms of service after being retained in the November general election.



Stan Whitaker succeeds Nan Nash as Chief Judge in 2nd Judicial District

The Honorable Stan Whitaker began his term as Chief Judge of the Second Judicial District Court Jan. 1, succeeding the Honorable Nan Nash, who retired from the bench on Dec. 31.

"It was not easy for me to decide to leave a place where I have worked with exceptionally dedicated and hardworking people for more than 25 years," Judge Nash said. "I am tremendously proud of the Court's commitment to the rule of law and the initiatives this Court has undertaken during my tenure as Chief Judge. I know the Second Judicial District Court will be in good hands under Judge Whitaker's leadership."

Judge Whitaker serves in the Second Judicial District Court's Criminal Division. As Chief Judge, he has administrative authority over all court operations.

"The Court's staff has had an excellent relationship with Judge Whitaker over the years. He has demonstrated his commitment to making this court the best it can be, both as a place to work, and as an institution that serves the public," said Court Executive Officer James Noel. "We look forward to working with Judge Whitaker as our new Chief Judge."

A Distinguished Legal Career

Judge Whitaker is a graduate of Albuquerque's Sandia High School, where he met his wife of 39 years, Barbara. The Whitakers have two adult daughters.



The Honorable Stan Whitaker succeeded Nan Nash as Chief Judge of the Second Judicial District Court. Judge Nash retired Dec. 31.

A multisport athlete in high school, Judge Whitaker attended the University of Kansas on a track scholarship. After graduating from college, he taught for several years at Albuquerque public schools. However, his involvement, while in college, in a lawsuit against the NCAA over the amount and types of financial aid student athletes could receive had sparked his interest in the law. Ultimately, he left teaching in favor of law school.

Judge Whitaker earned his law degree from the University of New Mexico School of Law in 1989. He was a civil litigator with two different Albuquerque law firms before going to work in the Family Crimes Unit of the Bernalillo County District Attorney's Office, where he prosecuted child abuse cases.

Judge Whitaker first came to the Second Judicial District Court as a Domestic Violence Commissioner in the Family Court Division. He left the court to work as an Assistant U.S. Attorney for the District of New Mexico.

He returned to District Court in 2006, accepting an appointment as a Family Court Judge. A year later, he moved to the Criminal Division.

"I am honored to be elected Chief Judge of a court with the quality of judges and staff we have in the Second Judicial District," Judge Whitaker said. "It is obvious to me every day that I walk into the courthouse that everyone here is truly dedicated to public service and maintaining the public's confidence in the judiciary."

"Judge Nash demonstrated an unwavering commitment to the independence of the judiciary, procedural fairness and access to justice. I hope to build upon her legacy by promoting the full and fair administration of justice and in preserving the integrity of the Court."

Court employees recognized for outstanding performance

Alisha Archunde named Magistrate Clerk of the Year



Alisha Archunde, Judicial Specialist 2 in the Cibola County Magistrate Court in Grants, received the 2018 Magistrate Clerk of the Year Award.

Ms. Archunde was honored for her positive attitude and team spirit. Management recognized her professional demeanor, willingness to learn, and extraordinary customer service skills.

The Magistrate Clerks Association presented Ms. Archunde with a certificate, plaque, and a check for \$100.

Magistrate Clerk of the Year Alisha Archunde, center, was congratulated by Magistrate Clerk Association Vice President Sherry Weingarten and Cibola County Magistrate Judge Johnny Valdez.

Supervisor of Interpreter Services is Second District Court's 'Distinguished Performer'

More than 3,600 times last year alone, someone involved in a Second Judicial District Court proceeding needed spoken words or written text interpreted from English into their native language. Each time, Court Interpreter Supervisor Rosa Lopez-Gaston was responsible for making sure it happened.

Her near-perfect record of getting interpreters to the right places at the right time—while also handling interpreting duties of her own—helped Rosa win the Second Judicial District Court's 2018 Distinguished Performance Award.

Rosa is a perfect fit for her job. She is a native Spanish-speaker with a bachelor's degree in Latin American history and master's in International Relations. She was working at the University of New Mexico when she decided to take the exam to become a certified interpreter.

She started as a freelance interpreter in district court in 2001, and immediately took to the job. "I loved having a job that helps people," she said. "I also found the court system to be extremely interesting."

Rosa became a part-time court employee in 2003. She was named full-time Supervisor of Court Interpreter Services in 2005. Over that time, the number of languages she has to find interpreters for has grown to more than 30—ranging from sign language to Navajo, Russian and Arabic.

It can be a challenge at times because the number of interpreters is limited, and there are other courts and agencies also vying for their services.

Still, Rosa has never failed to meet the challenge. She modestly gives the credit to others. "I have a great team of freelancers who are extremely flexible and always willing to help," she said.

James Noel, the Second District Court's Executive Officer, recognizes the vital role Rosa has at the Second Judicial District Court. "Rosa's job is not easy, but it is essential," he said. "This court would be at a complete standstill without Rosa and her selfless dedication to serving the court and the community."



Supervisor of Interpreter Services Rosa Lopez-Gaston earned the 2nd District Court's 2018 Distinguished Performance Award.